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P.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph R. BYRUM *et al.*

Appln. No.: 09/206,040

Filed: December 4, 1998

For: Nucleic Acid Molecules and Other
Molecules Associated with PlantsArt Unit: 1632
Examiner: Scott D. Priebe
Atty. Docket: 16517.137/
38-21(15446)BRequest for Decision by the
Board of Patent Appeals and InterferencesCommissioner for Patents
Washington, DC 20231

Sir:

Applicants do not plan to file a Reply Brief in the above-captioned matter. As such, Applicants hereby request that this matter be forwarded to the Board of Patent Appeals and Interferences for decision. No oral hearing is requested in this matter.

No fees are believed to be due at this time. In the event that extensions of time under 37 C.F.R. § 1.136 or other fees are required to prevent abandonment of this appeal or this patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824 referencing docket number 16517.137.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)
June E. Cohan (Reg. No. 43,741)Date: September 27, 2001

Of Counsel

Lawrence M. Lavin, Jr.
(Reg. No. 30,768)Thomas E. Kelley
(Reg. No. 29,938)Monsanto Company
800 N. Lindbergh Blvd.
St. Louis, Missouri 63167ARNOLD & PORTER
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
202.942.5000 telephone
202.942.5999 facsimile

I hereby certify that the foregoing Request for Decision by the Board of Patent Appeals and Interferences is being facsimile transmitted to the attention of Scott D. Priebe via facsimile number (703) 308-8724.

David R. MarshSeptember 27, 2001
Date

ARNOLD & PORTER202.942.5000
202.942.5999 Fax555 Twelfth Street, NW
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September 27, 2001

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ARNOLD & PORTER

David R. Marsh, Ph.D.
David_Marsh@aporter.com

202.942.5068
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

September 27, 2001

Commissioner for Patents
Washington, DC 20231

Group Art Unit: 1632
Examiner: Scott D. Priebe

Re: U.S. Utility Patent Application Serial No. 09/206,040
Filed: December 4, 1998
For: Nucleic Acid Molecules and Other
Molecules Associated with Plants
Inventors: Joseph R. BYRUM *et al.*
Atty. Docket: 16517.137 (38-21(15446B))

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) is a Request for Decision by the Board of Patent Appeals and Interferences (including certification of facsimile transmission).

In the event that extensions of time (other than those provided herewith) are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824.

Sincerely,



David R. Marsh (Reg. No. 41,408)
June E. Cohan (Reg. No. 43,741)

Enclosures